

## SUMMARY OF THE CHAD EVANS CASE

rev. 7/12

Chad Emery Evans was wrongly convicted in December, 2001 in New Hampshire of the murder of Cassidy Bortner, the 21-month old daughter of his girlfriend, Amanda Bortner. Chad was initially sentenced to 28 years-to-life, and an additional 15 years subsequently were added to his sentence by the New Hampshire Sentence Review Division, upon appeal by the New Hampshire Attorney General.

The website, [www.chadevanswronglyconvicted.org](http://www.chadevanswronglyconvicted.org), was established in February 2010 with the goal of presenting all the available information relating to the tragic death of Cassidy Bortner on 9 November 2000. The causes of her death and her injuries are mysterious and disputed, but Chad was convicted of second degree murder. He was also convicted of related second-degree assault charges, and endangering the welfare of a child and one misdemeanor Simple Assault against Amanda.

On 2 June 2000, Chad met Amanda Bortner and their love and relationship grew rapidly. By early July, Amanda and Cassidy were living at Chad's home in Rochester, New Hampshire. Chad's three-year old son, Kyle, also lived in the home several days a week, through shared custody with Chad's former wife, Tristan Wentworth Evans.

On the morning of 9 November 2000, Amanda took Cassidy to the Kittery, Maine home of her sister, Jennifer Bortner, and her sister's boyfriend, Jefferey Marshall, for babysitting for the day. Cassidy had a new bruise on one eye due to an accident the previous night when Chad was giving Kyle some batting practice with a brown plastic bat in Kyle's bedroom just before bedtime. While wiffle balls were usually used for such fun, the ball that Kyle hit into Cassidy's eye was a "Tee-ball" as used in "Tee-ball" leagues. During his police interview on 9 November, Chad described the ball as a "hard rubber ball" and a "starter baseball."

The resulting bruise to Cassidy's left eye was the latest of a series of bruises which had been observed by many people during the fall of 2000. In a time of growing sensitivity to child abuse, most of the responsible adults close to Cassidy chose to believe that the bruises and injuries were unfortunate accidents, and that they didn't require medical care right away. The life-threatening severity of the injuries was not known or suspected by anyone. Tragically, those adults, including Chad Evans, were unaware that there was something very wrong with Cassidy, because of the accidents or perhaps because of a chronic condition, disease or toxin. Chad Evans never spanked nor hit Cassidy Bortner. He loved and cared for her.

Shortly after Noon on the 9th, Jeff Marshall checked on Cassidy and recognized that she was in trouble and seemingly lifeless; and he made several phone calls over fifteen minutes for help, with the 11th call going to 911. The EMT's and Kittery Police arrived quickly, but Cassidy was dead when they arrived.

As the man living with Cassidy's mother, Amanda Bortner, Chad Evans was one of the four initial suspects, with the others being Amanda, Jeff, and Jennifer. By the time of Chad's 7:10 p.m. interview with the police, and within about seven hours of Cassidy's

death, the police were focused entirely on Chad; and worked thereafter to build the case against him. The case attracted considerable media attention, but Chad's attorneys advised him to say nothing to reporters. At his December 2001 trial, Chad took his attorneys' advice not to testify, and his attorneys decided to call only one defense witness. They called the nationally renowned forensic pathologist, Dr. Michael Baden, as they thought his testimony was sufficient to establish the reasonable doubt needed for a not-guilty verdict. However, their assessment was wrong, and the jury found Chad guilty of most of the charges. When Chad was sentenced, he again took his attorneys' advice not to proclaim his innocence, in order to avoid angering Judge Tina Nadeau. Chad expressed sincere regret for his actions, by which he meant his failure to do more to help Cassidy. Nonetheless, Judge Nadeau chastised him for showing insufficient remorse, at least until the day of sentencing.

In November, 2002, Amanda Bortner was tried and wrongly convicted of two counts of child endangerment and sentenced to two years in jail.

At Chad's trial, the jury never saw a report of a DNA test which was conducted by the Maine State police in March 2001. The test on blood found underneath all ten of Cassidy Bortner's fingernails showed that the blood belonged to Cassidy, but no one at Chad's trial was asked about that blood. Also not disclosed to the jury was information about Cassidy's medical appointments in August and September, 2000, which was during the period of the Child Endangerment charges against Chad and Amanda. The jury also did not know about a family gathering four days before Cassidy died where only one bruise was seen, on her right cheek. The jury saw only one of many photographs of an apparently bruise-less Cassidy during the periods of the indictments.

In July, 2010, Chad passed a Voice Stress Analysis lie detector test with "No Deception Indicated." In April, 2012, took a polygraph lie detector test with the same result.

Chad Evans is seeking a re-investigation of the case by Attorney General Delaney and Governor Lynch and will be filing a Motion for Habeas Corpus to set aside his unjust conviction.

*Prepared by the Chad Evans Wrongly Convicted Committee, [www.chadevanswronglyconvicted.org](http://www.chadevanswronglyconvicted.org).  
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